

ORDINANCE NO. 1981

AN ORDINANCE AMENDING THE CENTRAL POINT MUNICIPAL CODE ZONING SECTIONS 17.16.020; 17.57.020; 17.60.030; 17.60.100; 17.65.050; AND 17.77.070 TO CORRECT ERRORS AND INCONSISTENCIES

RECITALS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. On November 5, 2013, by unanimous decision, the Central Point Planning Commission recommended approval of code amendments to Chapter 17.16 R-L Zoning; 17.57 Fences; 17.60 General Regulations; 17.65 TOD Districts and Corridors; and 17.77 Accessory Dwelling Units (ADU).
- C. On January 9, 2014, the City of Central Point City Council held a property advertised public hearing; reviewed the Staff Report and findings; heard testimony and comments, and deliberated on approval of the Municipal Code Amendments.

THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 17.16, (Exhibit "A") deletes the minimum unobstructed street frontage of 25 feet in favor of a distance approved by the fire district that the use of the standard was intended to satisfy.

SECTION 2. Chapter 17.57, (Exhibit "B") changes the side yard setback requirements for fences which are not the same for buildings and which should be allowed on the property line.

SECTION 3. Chapter 17.60, (Exhibit "C") deletes the minimum square footage building permit requirement for accessory building, deferring instead to the building code.

SECTION 4. Chapter 17.65, (Exhibit "D") corrects an error to the zoning regulations for multifamily and senior housing so that the maximum density is not limited by the land area per unit.

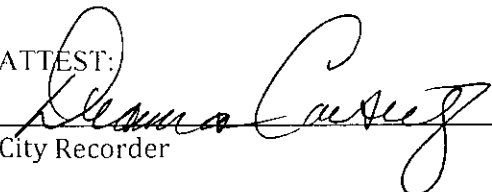
SECTION 5. Chapter 17.77, (Exhibit "E") adds Accessory Dwelling Units to the R-L, Residential Low-Density District which has historically allowed guesthouses already. Standards for ADUs are referenced to Chapter 17.77.

PASSED by the Council and signed by me in authentication of its passage this 23 day of January 2014.



Mayor Hank Williams

ATTEST:



City Recorder

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Chapter 17.16

R-L, RESIDENTIAL LOW-DENSITY DISTRICT

17.16.020 Permitted uses.

The following uses and their accessory uses are permitted in the R-L district:

A. Single-family dwelling;

B. Single-family manufactured home, as defined in Section 17.08.010, and subject to the following conditions:

1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand square feet.
2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve inches above grade.
3. The manufactured home shall have a pitched roof, with a minimum slope of three feet in height for each twelve feet in width.
4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within Central Point or which is comparable to the predominant materials used on surrounding dwellings as determined by the city.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
6. The manufactured home shall have a garage or carport constructed of like material. The city may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of dwellings in the immediately surrounding area.
7. In addition to the foregoing, a manufactured home and the lot upon which it is sited shall comply with any and all development standards, architectural requirements and minimum size

requirements with which conventional single-family residential dwellings on the same lot would be required to comply.

C. Accessory uses are permitted as follows:

1. Guesthouse, ~~not rented or otherwise conducted as a business~~ /Accessory Dwelling Unit as defined in Chapter 17.77;
2. Greenhouse for domestic noncommercial gardening;
3. Personal hobby or work shop;
4. Garage and other storage buildings for personal, noncommercial use.

D. Residential homes.

E. Residential facilities, as that term is defined in Oregon Revised Statutes 197.660(1); provided, however, the city may require an applicant proposing to site a residential facility to supply the city with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS 192.496 to 192.530. (Ord. 1684 §28, 1993; Ord. 1529 §1(part), 1984; Ord. 1436 §2(part), 1981).

Chapter 17.57
FENCES

Exhibit B

Sections:

17.57.010 Chapter application.

17.57.020 General regulations.

17.57.030 Fences in the stream setback area.

17.57.040 Prohibited fence types.

17.57.050 Violation--Penalty.

17.57.010 Chapter application.

This chapter will apply to all zone classifications within the city as listed in this title. All of the provisions of Chapter 12.20 and Chapter 17.67 relating to the location, placement, and height of fences are also applicable to fences affected by this chapter. (Ord. 1846 §2(part), 2003).

17.57.020 General regulations.

A. Fence Permits. A fence permit is required for all fences constructed within a public right-of-way, per Section 12.20.020. Fences in the floodplain are regulated in accordance with the provisions established in Section 8.24.260(A).

B. Building Permits. A building permit for the following structures shall be accompanied by a permit fee and a plan review fee in an amount based on valuation per the building department fee schedule as adopted by the city:

1. Barriers around swimming pools, as required by the 2003 State of Oregon Dwelling Specialty Code, Chapter 41 and Appendix G; and the 1998 Oregon Structural Specialty Code, Appendix Chapter 4;
2. Fences over six feet tall;
3. Masonry walls;
4. Retaining walls over four feet in height measured from the bottom of the footing to the top of the wall; and
5. Retaining walls, any height, supporting a surcharge.

C. Setbacks and Design Criteria.

Fence Regulations

	R-L	R-1	R-2	R-3	C-N	C-2(M)	C-4	C-5	M-1	M-2
Fence Permit Required	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1
Front Yard Setback For 6' Fence	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b
Side Yard Setback	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'
Rear Yard Setback	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'
Corner Lot	10' c	10' c	10' c	10' c	10' c	10' c	10' c	10' c	10' c	10' c
Masonry Walls, Retaining Walls, Fences Over 6' in Height	e	e	e	e	e	e	e	e	e	e
Chain Link Fencing, Space-Board-Type Fencing, etc.	e	e	e	e	e	e	e	e	e	e
Setbacks for Gates	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'
Variances	f	f	f	f	f	f	f	f	f	f

a: A fence permit is required if fence is to be constructed in public right-of-way.

a-1: A building permit is required for fencing around swimming pools, fences over six feet in height, masonry walls and retaining walls.

*b: Forty-two-inch-high maximum fences allowed within front setback area.

*c: No fencing will conflict with the sight distance requirements set by the public works department.

*d: Fence height will be measured from the finished grade on the side nearest the street.

e: See Section 8.24.260(A) for specific fence construction standards for fences located in or adjacent to a recognized floodplain.

f: Requests for variances shall be made by application on such form as designated by the city manager and will be reviewed in accordance with Chapter 17.05.

Chapter 17.60 GENERAL REGULATIONS

Exhibit C

17.60.030 Accessory buildings.

Accessory buildings shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

A. Regardless of the side and rear yard requirements of the district, in a residential (R) district a side or rear yard not adjoining a street may be reduced to three feet, measured from the furthest protrusion or overhang, for an accessory structure erected more than fifty-five feet from the street right-of-way line on which the lot fronts, other than alleys, provided the structure is detached and separated from other buildings by ten feet or more.

B. Canvas-Covered Canopies and Other Temporary Structures. Temporary structures in residential (R) districts shall not be permitted within a front setback and only within a side setback that does not abut a public right-of-way. Temporary structures within a side setback shall be at least three feet from the side lot line measured from the furthest protrusion or overhang. Such structures are to be anchored to the ground in accordance with building code requirements.

C. Structural Dimensions. All accessory buildings ~~totaling one hundred twenty square feet or more~~ will require a building permit and be subject to the requirements of all building specialty codes adopted under the Central Point Municipal Code.

1. Height. Accessory structures in residential (R) districts shall not exceed twenty-five feet if detached from the main structure. Structures greater than fifteen feet but less than twenty-five feet in height shall be set back a minimum of five feet from a side or rear lot line.

2. Width and Length. Garages and carports intended to satisfy the *municipal* code requirement for two off-street covered parking spaces shall be a minimum interior dimension of twenty feet in width by twenty feet in length. Standard garage doors shall be of adequate width to facilitate safe passage and maneuvering of automobile traffic.

3. Alley Setback. Accessory structures in residential (R) districts which abut an alley, are used as garages, and take their access from the alley shall have a setback of fifteen feet from the rear property line. (Ord. 1818 §1(part), 2001; Ord. 1684 §53, 1993; Ord. 1436 §2(part), 1981).

17.60.100 Projections from buildings.

Bay windows, cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may project not more than ~~eighteen~~ twenty four inches into a required yard or into a required open space as established by coverage standards. (Ord. 1436 §2(part), 1981).

Chapter 17.65 TOD DISTRICTS AND CORRIDORS

17.65.050 Zoning regulations--TOD district.

A. Permitted Uses. Permitted uses in Table 1 are shown with a "P." These uses are allowed if they comply with the applicable provisions of this title. They are subject to the same application and review process as other permitted uses identified in this title.

B. Limited Uses. Limited uses in Table 1 are shown with an "L." These uses are allowed if they comply with the specific limitations described in this chapter and the applicable provisions of this title. They are subject to the same application and review process as other permitted uses identified in this title.

C. Conditional Uses. Conditional uses in Table 1 are shown with a "C." These uses are allowed if they comply with the applicable provisions of this title. They are subject to the same application and review process as other conditional uses identified in this title.

D. Density. The allowable residential density and employment building floor area are specified in Table 2.

E. Dimensional Standards. The dimensional standards for lot size, lot dimensions, building setbacks, and building height are specified in Table 2.

F. Development Standards.

1. Housing Mix. The required housing mix for the TOD district is shown in Table 2.

2. Accessory Units. Accessory units are allowed as indicated in Table 1. Accessory units shall meet the following standards:

- a. A maximum of one accessory unit is permitted per lot;
- b. The primary residence and/or the accessory unit on the lot must be owner-occupied;
- c. An accessory unit shall have a maximum floor area of eight hundred square feet;
- d. The applicable zoning standards in Table 2 shall be satisfied.

Table 2
TOD District Zoning Standards

Standard	Zoning Districts				
	LMR	MMR	HMR	EC	GC
Density--Units Per Net Acre (f)					
Maximum	12	32	NA	NA	NA
Minimum	6	14	30	NA	NA
Dimensional Standards					
Minimum Lot or Land Area/Unit					
Large single-family	5,000 SF	NA	NA	NA	NA
Standard single-family	3,000 SF	NA	NA	NA	NA
Zero lot line detached	2,700 SF	2,700 SF	NA	NA	NA
Attached row houses	2,000 SF	1,500 SF	1,200 SF	NA	NA
Multifamily and senior housing	2,000-SF NA	1,500-SF NA	1,000-SF NA	1,000-SF NA	NA
Average Minimum Lot or Land Area/Unit					
Large single-family	7,500 SF	NA	NA	NA	NA
Standard single-family	4,500 SF	NA	NA	NA	NA
Zero lot line detached	3,000 SF	3,000 SF	NA	NA	NA
Attached row houses	2,500 SF	2,000 SF	1,500 SF	NA	NA
Multifamily and senior housing	2,500-SF NA	2,000-SF NA	1,500-SF NA	1,500-SF NA	NA
Minimum Lot Width					
Large single-family	50'	NA	NA	NA	NA
Standard single-family	50'	NA	NA	NA	NA
Zero lot line detached	30'	30'	NA	NA	NA
Attached row houses	24'	22'	18'	NA	NA

**Chapter 17.77
ACCESSORY DWELLING UNITS (ADU)**

17.77.070 ADUs detached from single-family dwelling--Special.

The following provisions shall be applicable to detached ADUs:

- A. Water, sewer and solid waste collection may be by way of connections and service that is completely separate, apart and independently metered from the single-family dwelling to which such ADU is accessory, or by other means approved by the public works department.
- B. All detached ADUs shall comply with all setback and separation requirements for detached accessory buildings except that the minimum rear yard setback shall be ten feet.
- C. Detached ADUs shall be designed in such a manner as to blend with or complement the architectural design of the single-family dwelling to which such ADU is accessory; approval of such design shall be made by the appeal board of adjustment.
- D. Detached ADUs shall share the same hard-surfaced driveway as the single-family dwelling to which such ADU is accessory, and shall have direct access to the street upon which the single-family dwelling fronts, or take access from an alley. No new or additional curb cuts shall be permitted for the ADU, except on corner lots where a new curb cut will be allowed on the street frontage having no existing curb cut.
- E. Detached ADUs shall have an ~~minimum of twenty-five feet of~~ unobstructed street frontage approved by the fire district with no intervening structures to ensure adequate visibility and access for emergency vehicles. (Ord. 1942 §3, 2010; Ord. 1884 (part), 2006).

